



EXPRESS MAIL NO.: ER 893 271 019 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. Dasseux, *et al.*

Confirmation No. 5585

Serial No.: 10/099,836

Group Art Unit: 1639

Filed: March 15, 2002

Examiner: Bennett M. Celsa

For: APOLIPOPROTEIN A-I AGONISTS AND THEIR USE TO TREAT
DYSLIPIDEMIC DISORDERS

Attorney Docket No.: 9196-022-999

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election Requirement mailed June 23, 2004, in connection with the above-captioned application, Applicants hereby elect to prosecute the claims of Group I (claims 1(in part), 3-9, 12-18(in part), 29(in part), 34(in part), 35(in part), 37(in part) and 42(in part)) drawn to a peptide comprising X₁-X₂₃ of formula (I) and conservative substitutions thereof, a lipid complex and pharmaceutical composition thereof.

As further required under 35 U.S.C. § 121 to elect a single disclosed species, Applicants hereby elect to prosecute a species of SEQ ID NO:4 to facilitate prosecution on the merits. Claims 1(in part), 3-9, 12-16(in part), 18(in part), 29(in part), 34(in part), 35(in part), 37(in part) and 42(in part) read on the elected species. Applicants understand that their election of species is being made solely to facilitate examination of the application and that they are entitled to consideration of additional species upon allowance of a generic claim.

Applicants expressly reserve the right to pursue the non-elected subject matter in a subsequent continuation and/or divisional application.

Submitted concurrently herewith is a Petition to Extend Time under 37 C.F.R. § 1.136(a) extending the period for response by one (1) month to and including August 23, 2004, with the appropriate fee.

CONCLUSION

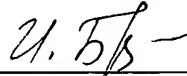
Applicants respectfully request examination on the merits of the elected claims.

Applicants believe no fee in addition to the fee for the extension of time is due in connection with this response. However, the Commissioner is authorized to charge all required fees, fees under 37 C.F.R. § 1.17 and all required extension of time fees, or credit any overpayment, to Jones Day U.S. Deposit Account No. 503013.

Respectfully submitted,

Date

August 19, 2004


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50,498

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35,203

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